

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE:)
)
CYNTHIA TONEY,)
)
Plaintiff,)
)
vs.) CASE NUMBER: 2:06-cv-949
)
MEDICAL DATA SYSTEMS, INC.,)
d/b/a MEDICAL REVENUE SERVICES, INC.,)
)
Defendant.)

REPORT TO COURT OF FACE TO FACE SETTLEMENT CONFERENCE

COMES NOW, the undersigned legal counsel for Plaintiff, Cynthia Toney, and pursuant to this Court's Scheduling Order, provides this notice of a face to face settlement conference in this matter. In further response, counsel for the Plaintiff states as follows:

1. Legal counsel for Plaintiff, David G. Poston, and legal counsel for Defendant, Stefanie H. Jackman, met to discuss settlement of all claims in the above-styled matter.
2. The legal issues involved in the instant case are similar to the legal issues involved in approximately twenty (20) other lawsuits in which the undersigned attorney is prosecuting on behalf of various Plaintiffs against the same Defendant.
3. The undersigned attorneys have discussed resolution of the pending lawsuits from the inception of the filing of said lawsuits.
4. After relevant and sincere effort to resolve the claims through monetary relief to the Plaintiff, no resolution was reached.

5. The undersigned attorneys will diligently continue to discuss settlement alternatives, but because of the volume of pending cases, this matter is not easily resolved.
6. In the case of Cambron v. Medical Data Systems, Inc. d/b/a Medical Revenue Services (also styled Carn v. Medical Data Systems, Inc. d/b/a Medical Revenue Services) case numbers 1:07-cv-369 and 1:07-cv-370, identical issues are currently under *de novo* review before the Honorable Harold Albritton.
7. The Cambron case began in the United States Bankruptcy Court and was tried to conclusion before the Honorable William R. Sawyer.
8. At the trial level, Bankruptcy Judge William R. Sawyer proposed findings of fact and conclusions of law in the favor of the Plaintiffs.
9. The Defendant objected to Judge Sawyer's proposed findings of fact and conclusions of law pursuant to Rule 9033 of the Federal Rules of Bankruptcy Procedure.
10. The issues in Cambron are similar to the issues currently pending before this Honorable Court.
11. Based on the volume of lawsuits against the Defendant, mediation would not help to resolve the instant case.
12. Depending upon the outcome in the Cambron case, and the timeliness thereof, mediation may be helpful in resolving all of the pending cases against the Defendant. At this time, however, mediation would not help in resolving the instant case of Toney v. Medical Data Systems, Inc., d/b/a Medical Revenue Services.

Respectfully submitted this 20th day of November, 2007.

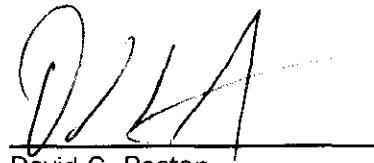
BROCK & STOUT



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CERTIFICATE OF SERVICE

I, the undersigned hereby certify that I have this date served a copy of the foregoing upon Stefanie H. Jackman, Esq., and John Kirkman Garrett, Esq., Attorneys for Defendant, via electronic mail at stefaniejackman@paulhastings.com and jkgarrett@csattorneys.com, this 20th day of November, 2007.



David G. Poston